

## **REMARKS**

Applicant has carefully reviewed the Final Office Action of June 13, 2008, prior to preparing this response. Claims 19-22, 24-26, 28-35, 37, and 38 are pending and have been rejected. Favorable consideration of the following remarks is respectfully requested.

### **Claim Rejections Under 35 U.S.C. §102**

Claims 19-22, 24, 26, 28-33, 35, 37 and 38 stand rejected under 35 U.S.C. §102(b) as being anticipated by Lundquist, U.S. Patent No. 5,228,441. Applicant respectfully traverses this rejection.

In the last Office Action, the Examiner disagreed with Applicant's argument that Lundquist does not show a braid overlapping the distal end of a tubular shaft as claimed by pointing to Figure 3 and showing with great detail where the Examiner considers the proximal end of the braid and the distal end of the shaft to be. Applicant appreciates the clarity of the Figure and the Examiner's position in the Office Action but disagree that it shows the braid 54 overlapping the distal end of tubular shaft 31.

To the contrary, Figure 3 shows the inverse relationship. Figure 3 shows the tubular shaft overlapping the braid 54. The transitive verb overlap has two definitions: "to lie or extend over and cover part of" and "to have an area or range in common with." Where the subject is singular, the first definition always obtains. The second definition is used where a physical relationship of the subject and object does not exist or is abstract, such as with two overlapping images, light beams, or subject areas. Applicant has searched using the Google search engine for the term overlap. Review of the first 20 pages of search results generated revealed no instances where the second definition was used with a singular subject and a singular object to leave the physical relationship between the two ambiguous. Applicant has likewise used the Google patent search engine and reviewed the first ten patent results returned, U.S. Patent Nos. 5,091,763; 5,538,913; 6,166,441; 4,371,824 4,741,621; 5,023,171; 5,122,848; 5,675,755; 5,250,450 and 4,442,454. So far as Applicant has found, none of these, where the transitive verb overlap was used with a singular subject and a singular object, left the relationship between the subject and the object ambiguous or used the second definition.

Based on this search and Applicant's own understanding of the term, Applicant understands that one of ordinary skill in the art would not understand the relationship between the tube 31 and the braid 54 in Lundquist to be a relationship "wherein the braid overlaps the distal end of the tubular shaft such that a portion of the braid is located proximal of the distal end of the tubular shaft" as claimed in claim 19. (The portion "such that a portion of the braid is located proximal of the distal end of the tubular shaft" is not intended and should not be understood to limit or define "overlap." This portion is intended to preclude the possibility of a butt joint being considered as anticipatory.)

For at least these reasons, Lundquist does not anticipate claim 19. Claim 19 is believed to be in condition for allowance. Claims 20-22, 24 and 26, which depend from claim 19 and which add significant additional limitations, are also believed to be in condition for allowance. Withdrawal of the rejection is respectfully requested.

Claims 28 and 37, similar to claim 19, as currently amended, each recite that the braid overlaps the distal end of the tubular member such that a portion of the braid is located proximal of the distal end of the tubular member. For at least the reasons stated above regarding claim 19, Lundquist does not anticipate either of claims 28 and 37. Claims 28 and 37 are believed to be in condition for allowance. Claims 29-33, 35 and 38, which depend from one of claims 28 and 37 and which add significant additional limitations, are also believed to be in condition for allowance. Because Lundquist does not disclose each and every element of the claimed invention, withdrawal of the rejection is respectfully requested.

#### **Claim Rejections Under 35 U.S.C. §103**

Claims 25 and 34 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lundquist, U.S. Patent No. 5,228,441, in view of Schwartz et al., U.S. Patent No. 5,437,288. Applicant respectfully traverses this rejection.

Claim 25 depends from claim 19 and claim 34 depends from claim 28. For at least the reasons stated above, Lundquist fails to teach each and every limitation of claims 19 and 28. The teachings of Schwartz et al. fail to remedy the shortcomings of Lundquist. For at least this reason a *prima facie* case of obviousness has not been established. Withdrawal of the rejection is respectfully requested.

**Conclusion**

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Roger Farnholtz

By his Attorney



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